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Rebecca McDowell Cook
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 10—General Licensure Requirements

EMERGENCY RULE

13 CSR 15-10.070 Alzheimer's Demonstration Projects

PURPOSE: This rule is being promulgated to describe the general requirements and process by which project participants will be selected in order to implement Alzheimer's Demonstration Projects in accordance with section 198.086, RSMo (Supp. 1999).

EMERGENCY STATEMENT: The Division of Aging finds a compelling governmental interest in establishing an early effective date for the following rule in order to implement the statutory requirements of section 198.086, RSMo (Supp. 1999) with regard to the development and implementation of demonstration projects designed to establish a licensure category for those health care facilities that wish to provide care, treatment and services to persons with Alzheimer's disease or Alzheimer's related dementia. Currently, there are 108,000 Missourians diagnosed with Alzheimer's disease or Alzheimer's related dementia. By 2040, the number of Missourians with Alzheimer's disease or Alzheimer's related dementia will increase fifty-six percent (56%) to more than 169,000 citizens. Ten percent (10%) of Missourians over the age of sixty-five (65) and forty percent (40%) of Missourians over the

age of eighty-five (85) have Alzheimer's disease. Persons afflicted with Alzheimer's disease live an average of eight (8) years from the onset of the symptoms and nearly all will spend their last years residing in long-term care facilities. This emergency rule is necessary to implement the provisions of section 198.086, RSMo (Supp. 1999) and establish the regulations and procedures under which potential providers may apply for participation in the demonstration projects. This rule preserves the compelling governmental interests of safeguarding the health and welfare of elderly citizens suffering from Alzheimer's disease and related dementias by the expeditious implementation of procedures for demonstration projects mandated by the Missouri General Assembly. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency rule is fair to all interested persons affected by the circumstances. A proposed rule covering this same material is published in this issue of the Missouri Register. This emergency rule was filed April 14, 2000, effective April 24, 2000, and expires February 1, 2001.

(1) For the purposes of this rule, "Health care facilities for persons with Alzheimer's disease or Alzheimer's related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place activity program.

(2) Participation in the Alzheimer's Demonstration Projects will be solicited by the Division of Aging by letter to all providers currently licensed by the division and to all interested parties who have advised the division of their interest. The solicitation letter will advise all recipients of the criteria to be used in making the selection and will be sent in advance of the selection with sufficient mailing time allowed for the submission of proposals by the date specified.

(3) Potential project participants must respond to the solicitation letter within thirty (30) days of the date received. The division must receive proposals by the date specified in the solicitation letter in order for the proposals to be considered. Proposals must address the criteria contained in the letter.

(4) The criteria utilized to select Alzheimer Demonstration Project participants will be developed by a committee appointed by the director of the Division of Aging consisting of representatives of providers, consumers and professionals in the long-term care industry and who possess knowledge of the provision of treatment to individuals with Alzheimer's disease or other related dementias.

(5) Proposals submitted will be screened initially for the ability of project applicants to comply with the minimum requirements set forth in section 198.086, RSMo (Supp. 1999). Such applicants must provide supported assurances of their ability to achieve initial and continued compliance with all such requirements in order to be included in the final selection. Proposals from project applicants which are determined to not meet the minimum requirements shall be removed from consideration.

(6) The proposals submitted by applicants which remain after the initial screening shall be reviewed to determine whether all required components, as set forth in this rule, are addressed. Proposals which are determined to have not addressed all required components shall be removed from consideration.

(7) Proposals remaining shall be reviewed by the Director of the Division of Aging and initial selections made. Selections for participants will be finalized only after the applicant reasonably demonstrates the financial capacity necessary to effectively implement and maintain the facility and program described in the proposal.

(8) Project participants selected for the demonstration projects shall be notified by the division within sixty (60) days from the date by which proposals shall be submitted to the division.

(9) All facilities selected to participate in the demonstration projects shall demonstrate the ability to comply with the following minimum requirements set forth in section 198.086, RSMo (Supp. 1999):

(A) Each health care facility for persons with Alzheimer's disease or other related dementias shall maintain substantial compliance with all regulations under which they are licensed or certified. A facility may request an exception to a state licensure regulation in accordance with 13 CSR 15-10.010(4);

(B) Facilities shall design and implement self-care, productive and leisure activity programs for individuals with Alzheimer's or other related dementias. These programs shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident;

(C) The facility may admit to the demonstration project facility only persons who have been diagnosed with Alzheimer's disease or other related dementia and for whom it has been determined that the facility is able to meet their needs. The determination of whether a facility is able to meet a resident's needs shall be made in consultation between the resident's physician, family members or health care advocates;

(D) Facilities shall designate a contiguous portion of the facility as the demonstration project site, unless such facility exclusively admits individuals with Alzheimer's or other related dementias as part of the demonstration project. All designated demonstration project beds shall be located within this designated contiguous portion of the facility;

(E) Facilities shall design and implement a resident environment which promotes the maintenance of the residents' social abilities through daily and frequent opportunities for socialization and appropriate activities. The residential environment shall be designed and utilized in such a way as to reflect the individual preferences of residents and to provide as much independence and opportunities for choices throughout a day as possible;

(F) A Minimum Data Set (MDS) assessment shall be completed for any resident who occupies a bed designated for demonstration project participants. The MDS must be completed within fourteen (14) days of admission and every ninety (90) days thereafter. The MDS must also be completed whenever a significant change in condition occurs. For the purposes of this rule, "significant change" means a change in medical condition or in cognitive or psychosocial functioning which requires a change or modification in services or treatments provided in order to maintain the individual at the highest practicable level of functioning.;

(G) Facilities shall be staffed twenty-four (24) hours a day by the number and type of licensed and unlicensed personnel sufficient to insure that all the needs of residents are met throughout the day. Facilities must remain in compliance with the staffing regulations in effect for the licensure category of the facility and as established by statute and must provide any additional staffing required to insure that residents' needs are met. Facilities shall determine appropriate staffing levels by utilizing current and updated Minimum Data Set information to identify residents' needs and shall make a determination on a daily and as needed basis regarding the number of staff required to meet these needs;

(H) Facilities shall conduct a total of at least twenty-four (24) hours of staff training for all employees providing direct care to

demonstration project residents within the first thirty (30) days of employment. This training shall consist of at least six (6) hours of classroom training and two (2) hours of on-the-job training in the special needs, care and safety of individuals with Alzheimer's disease or related dementias;

(I) Additional training provided shall address the needs, preferences and choices of the individual demonstration project residents, the degree of and the provision of assistance required with activities of daily living, the initiation of appropriate activities for residents and the promotion of each resident's rights, dignity and independence;

(J) Facilities shall utilize personal electronic monitoring devices for any resident whose physician recommends and orders the use of the device. Such orders shall be documented in the resident's health care record;

(K) The facility shall be equipped with a complete automated sprinkler system installed and maintained in accordance with the 1996 edition of the National Fire Protection Association (NFPA) 13, *Standard for the Installation of Sprinkler Systems*, or the 1996 edition of NFPA 13R, *Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height*, which are hereby incorporated by reference in this rule. The facility shall also be equipped with a complete electrically supervised fire alarm system and smoke barriers in accordance with the provisions of the 1997 *Life Safety Code for Existing Health Care Occupancy*, which code is hereby incorporated by reference in this rule; and

(L) Buildings and furnishings shall be designed to provide for residents' safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended.

(10) All demonstration project facilities shall complete the Alzheimer's Special Care Unit/Program Disclosure Form in accordance with section 198.510, RSMo (Supp. 1999), and develop an informational brochure in accordance with section 198.515, RSMo (Supp. 1999). These must be submitted to the division's licensure unit prior to the admission of any residents through the demonstration project and as required for licensing purposes.

(11) In addition to the minimum requirements, applicants will also be considered for selection based on their ability to provide the following:

(A) A safe environment for individuals with Alzheimer's disease and other related dementias;

(B) Admission and discharge criteria which effectively identify those individuals for whom the participant is able to effectively provide treatment services;

(C) The provision of services through a social model for the residential environment;

(D) Staffing in sufficient numbers and by appropriately qualified staff in order to meet the needs of all residents with Alzheimer's disease or other related dementias on an ongoing basis;

(E) Specialized staff training relating to the needs, care and safety of individuals with Alzheimer's disease or other related dementias;

(F) Housing arrangements designed to provide for residents' comfort and safety as well as the provision of services;

(G) Supportive services ancillary to the provision of treatment and which support the treatment provided by the facility; and

(H) Adequate financial support of the facility's demonstration project.

AUTHORITY: section 198.534, RSMo (Supp. 1999). Emergency rule filed April 14, 2000, effective April 24, 2000, expires Feb. 1, 2001. A proposed rule covering this same material is published in this issue of the Missouri Register.